

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

PATRICIA MCGOWN,

Plaintiff,

vs.

WILLIAM INSKEEP, et al,

Defendants.

**CV 20-20-BU-BMM**

**ORDER**

Defendants a motion on March 2, 2021, to disqualify Plaintiff Patricia McGown's attorney Julieann McGarry. Doc. 81. Plaintiff opposes the scope of the disqualification. Doc. 87. The Court held a telephonic status conference on March 16, 2020. Doc. 90.

Defendants anticipate that McGarry may be called as a witness in this case. Doc. 82 at 4. Defendants rely on Rule 3.7 of Montana's Rules of Professional Conduct and ask the Court to order the following: (1) disqualify McGarry from acting as trial counsel in this matter; (2) require McGarry to promptly file a notice withdrawing as counsel of record; and, (3) prohibit McGarry from asking questions at any deposition, hearings, or at the trial in this matter; (4) prohibit McGarry from appearing at counsels' table; and, (5) arguing on behalf of Plaintiff in these proceedings. *Id.* at 9.

Plaintiff argues that the disqualification that the Defendants seek remains too broad. Doc. 87 at 2. Plaintiff asks the Court to order the following: (1) prohibit McGarry from appearing at counsels' table at trial; (2) prohibit McGarry from asking questions at depositions, hearings, or at trial in this matter; and, (3) prohibit McGarry from arguing on Plaintiff's behalf in these proceedings. *Id.* at 16.

The parties filed briefs in response to Defendants' motion. Doc. 82, 87, 89. The Court conducted a telephonic status conference on March 16, 2020. Doc. 90. Michael Black, Anthony Jackson, and Julieann McGarry represented Plaintiff Patricia McGown. Jim Molloy represented Defendant William Inskeep. John Kauffman represented Defendant Mark Kozubal and the remaining corporate entities. The Court heard argument from the parties.

**IT IS HEREBY ORDERED:**

Defendants' motion to disqualify Plaintiff McGown's counsel Julieann McGarry (Doc. 81) is **GRANTED** in part, and **DENIED** in part.

1. Counsel Julieann McGarry shall not ask questions on behalf of Plaintiff McGown at any deposition, hearing, trial, or any proceeding related to this matter.
2. Counsel Julieann McGarry shall not appear at counsels' table at any deposition, hearing, trial, or any proceeding related to this matter.

3. Counsel Julieann McGarry shall not argue on behalf of Plaintiff McGown at any deposition, hearing, trial, or any proceeding related to this matter.
4. Counsel Julieann McGarry shall not attend any hearing or trial related to this matter in which the parties anticipate that witnesses will be called to testify.
5. Counsel Julieann McGarry may attend any hearing or proceeding related to this matter in which the parties do not anticipate that witnesses will be called to testify.
6. Counsel Julieann McGarry may remain counsel of record for Plaintiff McGown. Except in the circumstances above, Counsel Julieann McGarry may assist Plaintiff's counsel with all other pre-trial matters, including providing legal counsel, drafting briefs and other legal documents, and preparing for and participating in settlement proceedings.

Dated the 17th day of March, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court